

Remarks/Arguments:

At the outset, applicant wishes to thank the Examiner for withdrawal of the previous rejections under 35 USC § 103. This amendment addresses the new grounds raised in the final rejection. A Request for Continued Examination is included herewith.

Claims 1 – 6, 8, 10 – 17, 19, 30, 35 – 47 and 49 – 55 are in this case. Claims 16, 17, and 49 have been amended for further clarity. All claims have been rejected.

Claims 1 – 6, 8, 10 – 17, 19, 30, 35 – 47, and 49 – 55 have been rejected under 35 USC § 112 as indefinite “for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” While claim 1 recites a nanoimprint pattern-forming method using a film “comprising a polymeric composition including an internal mold release agent,” the Examiner maintains that claim 1 is indefinite as to whether the polymeric composition includes an internal mold release agent because claims 17 and 49 say “said nanoimprint resist comprises from about 20 weight percent to 100 weight percent of said polymeric composition.” The Examiner argues that if claim 17 were 100 weight percent of said polymeric composition, then it could contain no internal mold release agent. Thus, the Examiner maintains that claim 1 and all claims depending on it are indefinite. The Examiner makes the same argument with respect to claim 49. Thus all claims have been rejected as indefinite.

While applicant respectfully disagrees with Examiner's position, application has amended claims 17 and 49 in deference to the rejection. These claims, as amended, no longer recite the "100 weight percent" limit that has been objected to. Claim 1 has not been amended because no objection was made to its wording. Claim 1 clearly states that the polymeric composition includes an internal mold release agent. With the deletion of the "100 weight percent" limit any alleged ambiguity disappears.

Claims 16 and 17 are also rejected under 35 USC § 112 on the ground that there is no antecedent basis for the term "said nanoimprint resist." The Examiner is correct, and the term has been cancelled and replaced by "said film" which has an antecedent basis in claim 1. In view of these amendments it is believed that all claims are now clear and definite.

Claims 1 – 4, 6, 8, 15 – 17, 30, 35 – 40, 42 – 47, 49 – 50 and 52 – 55 are also rejected on the ground of non-statutory obviousness-type double patenting in view of claims 1 – 3, 7, 14, and 19 of U.S. Patent No. 5,772,905 in view of Gebhardt et al, U.S. Patent No. 5,731,086. These rejections also are believed inapplicable to the claims as amended.

It is well-established that for a combination of references to make obvious a claimed invention, the references must teach or suggest each and every limitation of the claim. In the present case, each and every claim – directly or by dependence – now unambiguously calls for "a polymeric composition including an internal mold release agent." The Examiner acknowledges that the claims of

Appl. No. 10/706,757
Amdt. dated April 30, 2009
Reply to Office action of October 31, 2008

the '905 patent "do not disclose the present internal release agent" (Office Action, p. 5), but argues that Gebhardt "teaches to use release agent in order to enhance the removal process" (citing Gebhardt, Col. 48, lines 30 – 40). But the cited portion of Gebhardt refers to coating a foil sheet with a release agent, i.e., a metal layer is coated with an external release material. This coated metal is remote from a polymeric composition including an internal mold release material as called for by the pertinent claims. Accordingly the proposed combination of the '905 claims and Gebhardt does not make obvious the inventions claimed here, and the double patenting rejection is inapplicable.

In view of the foregoing, it is respectfully submitted that all pending claims are now clear and definite and free of double patenting. Accordingly, this application now fully complies with the requirements of 35 USC § 112 and the non-statutory double patenting doctrine and is now in condition for allowance. Reconsideration and favorable action in this regard is therefore earnestly solicited.

Respectfully submitted,

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